



**APPLICATION FOR REZONING PETITION - CITY OF TERRE HAUTE**

**SPECIAL ORDINANCE NO. 8, 2010**

**COMMON ADDRESS OF LOTS TO BE REZONED: 1923, 1943 Crawford Street and 701 South 20<sup>th</sup> Street, Terre Haute, Indiana 47803**

**Current Zoning: R-2 Two-Family Residence**

**Requested Zoning: R-2 Two-Family Residence Planned Development**

**Proposed Use: One-half apartment and one-half Yoga Studio, offering late afternoon and evening classes, with class sizes as high as 8 participants.**

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**Name of Owner: Robert T & Mary M Pfrank**

**Address of Owner: 1923 South Crawford Street, Terre Haute, Indiana 47803**

**Phone Number of Owner: 812-478-1266**

**Representing Owner (if any): Susan Rose**

**Address of Representative: 6949 N Erickson Street, Terre Haute IN 47805**

**Phone Number of Representative: 812-229-0134**

**For Information Contact: Susan Rose**

**Council Sponsor: John Mullican**

**\*COPY OF SITE PLAN MUST ACCOMPANY THIS APPLICATION**

**SPECIAL ORDINANCE FOR A REZONING  
SPECIAL ORDINANCE NO. 8, 2010**

**CITY CLERK**

An Ordinance Amending Chapter 10, of the Terre Haute City Code, Zoning and Subdivision Regulations, as adopted by General Ordinance No. 10, 1999, as Amended, entitled "An Ordinance Adopting And Enacting A Code of Ordinances For the City of Terre Haute, Indiana; Establishing The Same; Providing For the Repeal Of Certain Ordinances Not Included Therein, Except And Herein Provided; Providing For the Manner Of Amending Such code Of Ordinances; Providing A Penalty For Violations Thereof; Providing When This Ordinance Shall Become Effective And Officially Adopting The Terre Haute City Code, And Passing Ordinances Addressing Fees, Fines And Regulations".

BE IT ORDAINED by the Common Council of the City of Terre Haute, Indiana, as follows:

**SECTION I.** That Chapter 10, of the Terre Haute City Code of Terre Haute, known and referred to as "Comprehensive Zoning Ordinance for Terre Haute" of General Ordinance No. 10, 1999, effective, December 10, 1999, Section 10-121, thereof, District Maps, is hereby amended to read as follows:

Lot number Twenty-eight (28) in J. W. Milner's Subdivision, being a subdivision of Lot Number Twenty-one (21) in John Milner's Subdivision in the North West Quarter (¼) of section Twenty -Six (26) Township Twelve (12) North of Range Nine (9) West of the Second Principal Meridian.

Commonly known as: 1923, 1943 Crawford Street and 701 South 20<sup>th</sup> Street, Terre Haute, Indiana 47803

be and the same is, hereby established as a R-2 TWO-FAMILY RESIDENCE PLANNED DEVELOPMENT, together with all rights and privileges that may insure to said real estate and the owners thereof by virtue of the law in such cases provided, subject to all limitations and restrictions imposed thereon by deed or otherwise except as specifically authorized under the terms of this ordinance.

That the real estate described shall be a Planned Development in an R-2, Two-Family Residence District as the same is defined in the Comprehensive Zoning Ordinance for the City of Terre Haute, Indiana, subject to terms and conditions set forth herein.

- (A) That one-half of the real estate is to be used to operate a Yoga Studio in the lease space that is available that this site, and that the remaining one-half of the real estate is to be rented as an apartment.
- (B) That the Yoga Studio shall be subject to the following:
  - Hours of operation will extend from 12:00pm to 8:30 pm., Monday through Friday and during the weekends. Average number of classes will be about 2 per day.
  - Parking will be on the street in front and to the side of the building. The average class size will be between 5 and 8 people, which will leave adequate on-street parking for the neighborhood.
- (C) The owner has met all of the criteria determined by the Area Planning Commission, except as stated above and by the City Council of Terre Haute, Indiana, that a hardship does exist, due to the nature of the existing improvements on the land, and that a Planned Development as set forth herein is hereby approved and will be in the public's interest and in the interest of the neighborhood.
- (D) Due to the nature of the site a parking variance of 8 off-street spaces is needed.

**SECTION II.** WHEREAS, a public hearing has been held and the owners of the real estate described have demonstrated to the Common Council evidence that a hardship exists and that said planned development will not adversely affect public health, safety, and the general welfare.

Be it ordained by the Common Council of the City of Terre Haute, Indiana that the owners of the real estate described have demonstrated that a hardship does exist for the use of said real estate and that the

Common Council of the City of Terre Haute now determines that a hardship does exist and specifically authorized and approved the use of real estate as Planned Development as described in this ordinance, under the terms and conditions set forth herein, and further finds and determines that the proposed uses described will be in the public interest.

The rights granted in the event said Planned Development has not materialized within six (6) months of approval, said Planned Development becomes void. The rights granted herein shall be transferable and shall be recorded in the Vigo County Recorder's Office within ninety days of approval.

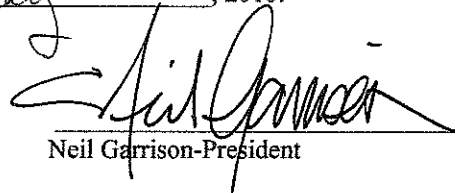
SECTION III. WHEREAS, an emergency exists for the immediate taking effect of this Ordinance, the same shall be in full force and effect from and after its passage by the Common Council of the City of Terre Haute, and its approval by the Mayor and publications as by law provided.

Presented by Council Member



John Mullican, Councilperson

Passed in Open Council this 13 day of May, 2010.



Neil Garrison-President

ATTEST



Charles P. Hanley, City Clerk

Presented by me to the Mayor of the City of Terre Haute this 14 day of May, 2010.



Charles P. Hanley, City Clerk

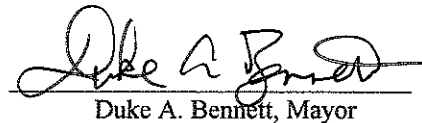
Approved by me, the Mayor, this

14th

day of

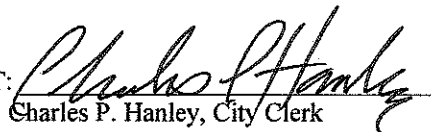
MAY

2010.



Duke A. Bennett, Mayor

ATTEST:



Charles P. Hanley, City Clerk

This instrument prepared by: Susan Rose, 6949 North Erickson Street, Terre Haute, Indiana, 47805

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each social security number in this document, unless required by law.



Susan Rose

PETITION TO REZONE REAL PROPERTY

TO: THE PRESIDENT AND MEMBERS OF THE COMMON COUNCIL OF THE CITY OF TERRE HAUTE, INDIANA:

And THE PRESIDENT AND MEMBERS OF THE AREA PLAN COMMISSION FOR VIGO COUNTY, INDIANA:

LADIES AND GENTLEMAN:

The undersigned, Robert and Mary Pfrank, respectfully submits this Petition to rezone the following described real estate in the City of Terre Haute, County of Vigo, Indiana, to wit:

*See Attached Exhibit A*

Commonly known as: 1923, 1943 Crawford Street and 701 South 20<sup>th</sup> Street, Terre Haute, Indiana 47803

Your petitioner is informed and believes that in accordance with Chapter 10, Article 2 of the Municipal Code designated as "Comprehensive Zoning Ordinance for Terre Haute, Indiana," the above-described real estate is now zoned as R-2, two-Family Residence.

Your petitioner would respectfully state that the real estate is now a primary residence. Your petitioner intends to use the lease a portion of the real estate to provide a Yoga Studio for up to 8 people.

Your petitioner would request that the real estate described herein shall be zoned as a R-2 Two-Family Residence Planned Development. Your petitioner would allege that the Two-Family Residence Planned Development would not alter the general characteristics of this neighborhood.

Your petitioner would respectfully show the proposed change would not be detrimental to the public welfare or injurious to the property or improvements in the neighborhood.

WHEREFORE, your petitioner respectfully requests that the Area Plan Commission for Vigo County and the Common Council of the City of Terre Haute, Indiana, favorably consider the passage of a Special Ordinance amending the Comprehensive Zoning Ordinance of the city of Terre Haute, Indiana, being Chapter 10, Article 2 of the Municipal Code designated as "Comprehensive Zoning Ordinance for the Terre Haute, Indiana," and declaring the above-described real estate to be part of the R-2 Two-Family Planned Development of the City of Terre Haute, Indiana, and entitled to the rights and benefits that may accrue to the real estate and the owners thereof by virtue of the new designation subject to all limitations imposed by deed or otherwise.

IN WITNES WHEREOF, This petition has been duly executed this 30<sup>th</sup> day of March, 2010.

BY: Robert T. Pfrank  
Robert T. Pfrank  
Mary M. Pfrank  
Mary M. Pfrank

PETITIONER: Robert and Mary Pfrank, 1923 Crawford Street, Terre Haute, Indiana 47803

This instrument was prepared by: Susan Rose, 6949 North Erickson Street, Terre Haute, Indiana, 47805; 812-229-0134

# EXHIBIT A

60-242-9374

FOR SALE BY THE VIOUESNEY CO., TERRE HAUTE, IND.

## WARRANTY DEED

89/307

THIS INDENTURE WITNESSETH, That Courtney C. Kelley and Severn Josephine Kelley, husband and wife

of Vigo County, in the State of Indiana

CONVEY AND WARRANT to Robert T. Pfrank and Mary Margaret Pfrank, husband and wife

of Vigo County, in the State of Indiana

for the sum of One and no/100 Dollars and other valuable considerations

the receipt of which is hereby acknowledged, the following REAL ESTATE in Vigo County, in the State of Indiana, to-wit:

Lot Number Twenty-eight (28) in J.W. Milner's Subdivision, being a subdivision of Lot Number Twenty-one (21) in John Milner's Subdivision in the North West Quarter (1) of Section Twenty-six (26) Township Twelve (12) North of Range Nine (9) West of the Second Principal Meridian.

Subject to taxes for the year 1955, due and payable in the year 1956 and all subsequent taxes and assessments, which the grantees herein assume and agree to pay.



IN WITNESS WHEREOF, The said Courtney C. Kelley and Severn Josephine Kelley, husband and wife

have hereunto set their hands and seals

this 15th day, August, A. D. 1955

*Courtney C. Kelley*  
Courtney C. Kelley

(SEAL)

*Severn Josephine Kelley*  
Severn Josephine Kelley

(SEAL)

**AFFIDAVIT OF:**

COMES NOW affiant Robert T Pfrank and Mary M. Pfrank

and affirms under penalty of law that affiant is the owner of record of the property located

at 1923, 1943 Crawford St. and 701 S. 20th St  
Terre Haute, IN 47803

for which a rezoning is requested and hereto a copy of the deed is attached evidencing such ownership.

I affirm under penalty for perjury, that the foregoing representations are true.

Robert T. Pfrank and Mary M. Pfrank  
[Typed name of owner(s) on deed]

SIGNATURE: Robert T Pfrank

SIGNATURE: Mary Margaret Pfrank

STATE OF INDIANA)  
SS: (COUNTY OF VIGO)

Personally appeared before me, a Notary Public in and for

said County and State, Kimberly Rene Slaven  
Indiana

who acknowledges the execution of the above and foregoing, after being duly sworn upon his oath and after having read this Affidavit.

WITNESS my hand and notarial seal, this 30<sup>th</sup> day of March, 2008 ~~2010~~

Notary Public:

Kimberly Rene Slaven  
[Typed name]

My Commission Expires: November 19, 2012

My County Of Residence:

Vigo

60-242-9374

FOR SALE BY THE VIGUESNEY CO., TERRE HAUTE, IND.

# WARRANTY DEED

~~307~~ / 307  
89/

THIS INDENTURE WITNESSETH, That Courtney C. Kelley and Severn Josephine Kelley,  
husband and wife

of Vigo County, in the State of Indiana

CONVEY AND WARRANT to Robert T. Pfrank and Mary Margaret Pfrank, husband  
and wife

of Vigo County, in the State of Indiana

for the sum of One and no/100 Dollars and other valuable considerations

the receipt of which is hereby acknowledged, the following REAL ESTATE in Vigo  
County, in the State of Indiana, to-wit:

Lot Number Twenty-eight (28) in J.W. Milner's Subdivision, being a subdivision  
of Lot Number Twenty-one (21) in John Milner's Subdivision in the North West  
Quarter (2) of Section Twenty-six (26) Township Twelve (12) North of Range  
Nine (9) West of the Second Principal Meridian.

Subject to taxes for the year 1955, due and payable in the year 1956 and all  
subsequent taxes and assessments, which the grantees herein assume and agree to pay.



IN WITNESS WHEREOF, The said Courtney C. Kelley and Severn Josephine Kelley, husband  
and wife

have hereunto set their hands and seals  
this 15th day, August, A. D. 19 55

*Courtney C. Kelley*  
Courtney C. Kelley

(SEAL)

*Severn Josephine Kelley*  
Severn Josephine Kelley

(SEAL)

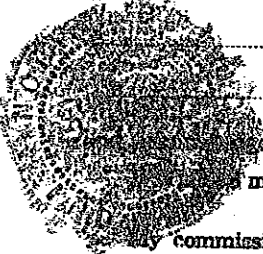
308

STATE OF INDIANA, Vigo COUNTY, ss:

Before me, the undersigned, a Notary Public in and for said County and State, this 15th day of

August 19 55, personally appeared Courtney C. Kelley and Severn

Josephine Kelley, husband and wife

ed the execution of the annexed Deed.

my hand and Notarial Seal.

My commission expires August 26, 19 55, William G. Tichenor Notary Public.

RECEIVED FOR RECORD THE 15 DAY OF Aug 1955 AT 2 O'CLOCK P. M. JAMES G. FAGIN, RECORDER

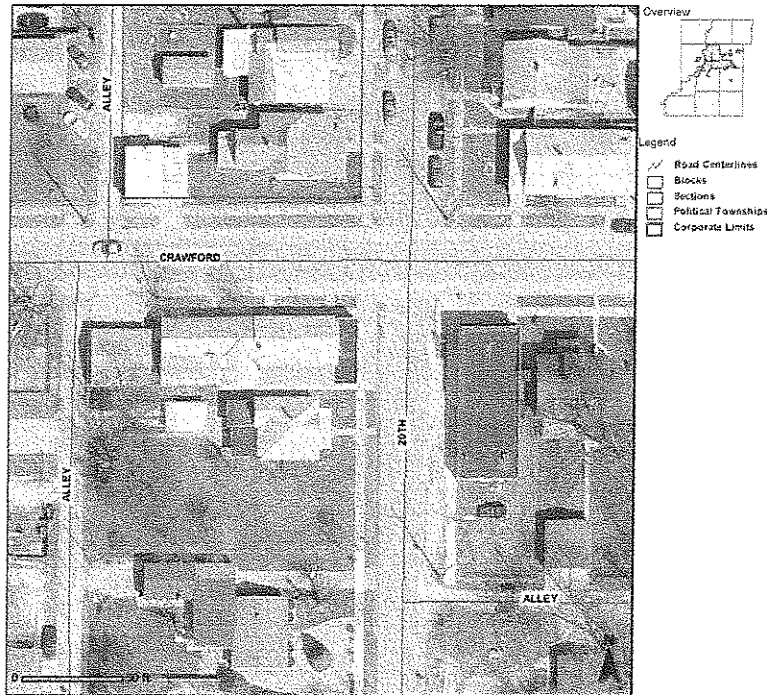




## Vigo County, IN / City of Terre Haute



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TERRE HAUTE

# Area Planning Department For Vigo County

159 Oak Street, Terre Haute, Indiana 47807

Telephone: (812) 462-3354

Fax: (812) 234-3248

Terre Haute • West Terre Haute • Riley • Seelyville

**FILED**

MAY 06 2010

**CITY CLERK**

DATE: May 6, 2010

## REPORT TO THE CITY COUNCIL ON ZONING MAP AMENDMENT

THE VIGO COUNTY AREA PLAN COMMISSION HEREBY GIVES CERTIFICATION TO  
SPECIAL ORDINANCE NUMBER #8-10

CERTIFICATION DATE: May 5, 2010

TO: The Honorable Common Council of the City of Terre Haute

Dear Members,

The Vigo County Area Plan Commission offers you the following report and certification on Special Ordinance No. 8-10. This Ordinance is a rezoning of the property located at 1923, 1943 Crawford and 701 South 20<sup>th</sup> Street. The Petitioner, Robert and Mary Pfrank, Petitions the Plan Commission to rezone said real estate from zoning classification R-2 to R-2 Planned Development District, for one half apartment and one half Yoga Studio, with a Variance for eight (8) parking spaces.

Special Ordinance No. 8-10 was published in the Tribune-Star Newspaper in accordance with IC 5-3-1 and Division XIII of the Comprehensive Zoning Ordinance. Further, this ordinance was posted by the City Building Inspection Department in accordance with IC 36-7-4-604(c).

The Area Plan Commission considered Special Ordinance No. 8-10 at a public meeting and hearing held Wednesday, May 5, 2010. Remonstrators were not present. At this meeting, a quorum was present throughout the meeting pursuant to IC 36-7-4-301, and the Area Plan Commission took official action on Special Ordinance No. 8-10 as required by IC 36-7-4-302. The Area Plan Commission of Vigo County now hereby attaches certification to Special Ordinance No. 8-10 as required by IC 36-7-4-401(a)(7) and IC 36-7-4-605(c).

Therefore, Area Plan Commission's certified recommendation on Special Ordinance No. 8-10, was FAVORABLE WITH VARIANCE.

Fred L. Wilson, President

Jeremy Weir, Executive Director

Received this 6<sup>th</sup> day of May, 2010

STAFF REVIEW – CITY OF TERRE HAUTE ZONE CHANGE

Number: SO #08-10

Doc: # 33

Date: May 2010

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## APPLICATION INFORMATION

Petitioner: Robert T. & Mary M. Pfrank

Property Owner: Same-As-Above

Representative: Susan Rose

Proposed Use: One-half apartment and one-half Yoga Studio, offering late afternoon and evening classes, with class sizes as high as 8 participants

Proposed Zoning: R-1, Single Family Residence Planned Development District

Current Zoning: R-1, Single Family Residence District

Location: The property is located on the southwest corner of the intersection of South 20<sup>th</sup> Street and Crawford Street.

Common Address: 1923 – 1943 Crawford Street, and 701 South 20<sup>th</sup> Street

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## COMPREHENSIVE PLAN GUIDANCE

Service Area: The City of Terre Haute

Guiding Policies: Neighborhood Enhancement

- Encourage infill development that is compatible with the land use mix and intensity of existing development.
- Support preservation and rehabilitation of historic properties.
- Incompatible and inconsistent uses with residential context of these neighborhoods should be eliminated.
- Allow for a range of housing densities based on the zoning ordinance.
- Encourage neighborhoods to develop a unique sense of place, but still be part of the larger city.

Available Services: Area is well served by utilities.

Soil Limitations: Not studied.

Street Access: South 20<sup>th</sup> Street is a Local Roadway and Crawford Street Local Roadway

## STAFF REVIEW – CITY OF TERRE HAUTE ZONE CHANGE

Number: SO #08-10

Doc: # 33

Date: May 2010

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Dev. Priority: Capital investment in this area is a high priority

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### ZONING COMPATIBILITY

Sur. Zones and Uses: **North** – R-2, Two-Family Residence District *SFDU*

**East** – R-2, Two-Family Residence District

R-2, Two-Family Residence District *commercial struct.*

**South** – R-2, Two-Family Residence District

**West** – R-2, Two-Family Residence District *SFDU*

Character of Area: Single-Family dwellings are the dominate structure type in this area.  
The housing stock has an average age of 60 years old. This part of the city is well developed and has very few undeveloped lots.

Contig. Uses & Zones: The contiguous zoning is R-2, Two-Family Residence District, which uses that are permitted within this district.

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### ZONING REGULATIONS

R-2 Purpose: Single-family and Two-Family dwellings Units

R-2 Uses: Any use permitted in the R-1, Single-family Residence District, such as Churches, Rectories, and Parish Houses, Convents and Monasteries; Gardening, including nurseries, provided that no offensive odors or dust are created; Public Libraries; Child Care as a Home Occupations; Parks, Playgrounds, and Schools; Residential Facility for the Developmentally Disabled. (Gen. Ord. No. 19, 1997, 2-12-98); Residential Facility for the Mentally Ill. (Gen. Ord. No. 19, 1997, 2-12-98).

R-2 Standards: Minimum Lot Size: 6,600 Sq. Ft. / Per dwelling unit

FAR 0.5 %

Street Setback: 55 feet from centerline;

Rear setback 11';

Interior setback of 5' from the interior lot line;

Two (2) parking spaces per two-bed room unit

STAFF REVIEW – CITY OF TERRE HAUTE ZONE CHANGE

Number: SO #08-10

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## **FINDINGS and RECOMMENDATION**

Staff Findings:       The capital improvement in this area provides a great opportunity for urban renewal. This site was used historically as plumbing business, and a place of residence.

The proposed Planned Development is intended to allow a yoga studio limiting the yoga class size to 8 participants. The site will also function as a dwelling for the property owner.

The petitioner has requested a variance of 8 off-street parking spaces.

The petitioner has stated that a hardship does exist, due to the nature of the existing improvements on the land as required as criteria in Section 10-112.

Staff Recommendation: Staff offers a Favorable Recommendation.